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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,054	01/31/2001	B. Michael Eckard	60990043-1	6040

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EXAMINER

NGHIEM, MICHAEL P

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application 09/773,054	Applicant(s) ECKARD ET AL.
	Examiner Michael P Nghiem	Art Unit 2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 January 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 30 and 31 is/are allowed.
- 6) Claim(s) 1-4, 10, 11, 13, 17, 18, 23, 24, 26 and 29 is/are rejected.
- 7) Claim(s) 5-9, 12, 14-16, 19-22, 25, 27, 28, 32 and 33 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

The Amendment filed on January 21, 2003 has been acknowledged.

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 21, 2003 has been entered.

Withdrawal of Allowability

2. The indicated allowability of claims 3, 4, 11, 18, 24, and 29 are withdrawn in view of the newly discovered reference(s) to Garcia et al. (US 6,042,216). Rejections based on the newly cited reference(s) follow.

Claim Objections

3. Claim 2 is objected to because of the following informalities:

Art Unit: 2863

- "the printer user" should be -- a printer user --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 10, 11, 13, 17, 18, 23, 24, 26, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Garcia et al. (US 6,042,216).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Garcia et al. discloses all the claimed features of the invention including:

- a method and system (via 230, Fig. 14's) for servicing an inkjet printer (Figs. 1, 16) including an inkjet printhead (106) with a nozzle plate (Fig. 4) and a first service module (wiper 234 or capper 236) removably installed on the printer (Fig. 23), comprising:

- identifying a printhead-related service condition (Abstract, lines 3-6) not adequately addressed by servicing the printer with the first service module being in an un-worn condition (complete servicing includes other service module such as a capper, a spittoon, and primer connection, Abstract, lines 6-8);

- providing a second service module (capper 236 or wiper 234) with a service function different from the first service module (Fig. 14a) and adapted to address said printhead-related service condition, the second service module removably installable on the printer and with respect to the first service module (Fig. 23);

- providing the second service module to the printer user (234, 236 is available for use, Fig. 23);

- a set of instructions for using the second service module with the inkjet printer to the printer user (Fig. 23 instructs how to install and use 234, 236);

- removing the first service module from the printer (removing 234 or 236 from 230, Fig. 23);

- installing the second service module in the printer (234, 236 installed in 230, Fig. 14a);

- using the set of instructions and the second service module, conducting a special servicing operation (installing 234, 236, Figs. 14a, 23);

- said printhead related service condition comprises fibers (dust or particle fibers) accumulating on the printhead nozzle plate (Abstract, lines 3-6), and wherein the second service module includes a brush (wiper 234) to remove the fibers;
- said printhead-related service condition includes ink accumulation on the nozzle plate (Abstract, lines 3-6), and wherein the second service module includes a wiper (wiper 234) or applicator having applied thereto a cleaning fluid for removing the ink accumulation (Abstract, lines 3-7);
- said printhead-related service condition includes global depriming of the printhead or ink starvation of the printhead (well-known **problem** due to unclean printhead), and wherein the second service module includes a negative pressure primer (240);
- a printhead carriage (60) for mounting the printhead and arranged for traversing movement along a print area and for moving to the service area (Fig. 16);
- a service carriage (230) for removably mounting the first service module or the second service module (Fig. 14a).

Allowable Subject Matter

5. Claims 5-9, 12, 14-16, 19-22, 25, 27, 28, 32, and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 30 and 31 are allowed.

Reasons For Allowance

7. The method or combination as claimed wherein removing the first service module from the printer and installing the second service module in the printer in place of the first service module (claim 5, 22, 28, 30, 31) or providing a set of machine readable printer instruction code (claims 7, 19) or providing a set of human-readable instructions for using the second service module (claim 9) or the second service module includes a wiper fabricated of silicon, or a textile, or a special rubber for removing the ink accumulation (claims 12, 25) or said printhead-related service condition includes ink on a printhead carriage interconnect, and the second service module includes a brush arranged to clean the interconnect (claims 14, 27) or the second service module includes a special capping structure having a range of movement along an axis generally transverse to a nozzle array of the printhead (claim 15) is not disclosed, suggested, or made obvious by the prior art of record.

Response to Arguments

8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bartolome et al. (US 6,132,037) discloses a cleaning member for cleaning the conductive interconnect pads of an inkjet cartridge (Abstract, lines 5-8).

Mitani (US 5,670,996) discloses a silicon wiper (column 4, lines 32-33).

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

0956.



MICHAEL NGHIEM
PRIMARY EXAMINER

Michael Nghiem

March 24, 2003